

2143
ITW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Parent Application

Inventors: Raymond W. Ellis et al.
SC/Serial No.: 09/899,833
Filed: July 05, 2001
Confirm. No.: 9671
Title: Automated Tool Management in a
Multi-Protocol Environment

PATENT

Art Unit: 2143
Examiner: Pwu, Jeffrey

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

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Scott D. Sanford

Signature Date: February 8, 2007

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an information disclosure statement submitted in the parent application which complies with the Sept. 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

- ☐ **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

This statement should be considered because:

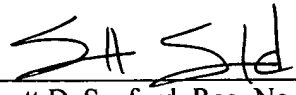
- ☐ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:
- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
 - (2) It is being filed within 3 months of entry of a national stage;
-- OR --
 - (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
 - (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.
- ☒ **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:
- (1) It is being filed before the mailing date of a FINAL office action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.
-- AND (check at least one of the following) --
- ☒ (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
-- OR --
- ☐ (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).
- ☐ **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:
- (1) It is being filed on or before payment of the issue fee;
-- AND --
 - (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
 - (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-3548.

Respectfully submitted,

O'MELVENY & MYERS LLP

Date: February 8, 2007

By: 
Scott D. Sanford, Reg. No. 51,170

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STATEMENT

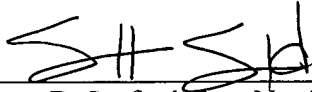
*(Attachment to Information Disclosure Statement)
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- ☐ 37 C.F.R. §1.97(e)(1). THE UNDERSIGNED ATTORNEY HEREBY STATES THAT each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; or
- ☒ 37 C.F.R. §1.97(e)(2). THE UNDERSIGNED ATTORNEY HEREBY STATES THAT no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Respectfully submitted,

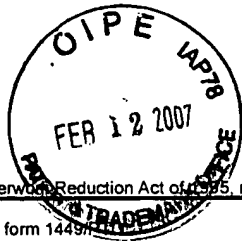
O'MELVENY & MYERS LLP

Date: February 8, 2007

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PTO/SB/08A (07-05)

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Substitute for form 1449

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/899,833
Filing Date	July 05, 2001
First Named Inventor	Raymond W. Ellis
Art Unit	2143
Examiner Name	Pwu, Jeffrey
Attorney Docket Number	34741-971

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,948,063	9/7/1999	Cooper, et al.	
		US- 5,961,588	10/5/1999	Cooper, et al.	
		US- 5,809,028	9/15/1998	Nethercott, et al.	
		US- 6,021,331	2/1/2000	Cooper, et al.	
		US- 6,094,678	7/25/2000	Nethercott, et al.	
		US- 6,418,214	7/9/2002	Smythe, et al.	
		US- 6,826,439	11/30/2004	Barber, et al.	
		US- 6,167,451	12/26/2000	Stracke, Jr.	
		US- 6,842,660	1/11/2005	Tripathi, et al.	
		US- 7,031,783	4/18,2006	O'Grady, et al.	
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FOREIGN PATENT DOCUMENTS

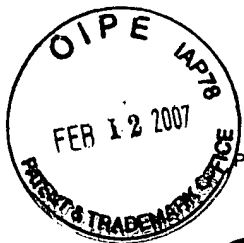
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/899,833	
	Filing Date	July 05, 2001	
	First Named Inventor	Raymond W. Ellis	
	Group Art Unit	2143	
	Examiner Name	Pwu, Jeffrey	
Total Number of Pages in This Submission		Attorney Docket Number	34741-971

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div>Copies of Ten (10) Prior Art References and Return Receipt Postcard</div>
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Scott D. Sanford, Reg. No. 51,170, O'Melveny & Myers LLP
Signature	
Date	February 8, 2007

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Typed or printed name	Scott D. Sanford		
Signature		Date	February 8, 2007

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